



05 JUN 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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In re Application of	:	
SAVARD	:	DECISION ON PETITION
Serial No.: 09/763,507	:	
PCT No.: PCT/FR98/01854	:	UNDER 37 CFR 1.47(b)
Int. Filing Date: 26 August 1998	:	
Priority Date: 26 August 1998	:	
Atty Docket No.: 33354	:	
For: REAR DERAILLEUR FOR A BICYCLE	:	

This decision is in response to the "Letter and Renewed Petition Under 37 CFR 1.47(b)" filed 11 March 2002 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of inventor Frank Savard.

BACKGROUND

On 02 November 2001, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(b). Applicant was afforded two months to file any request for reconsideration and advised that extensions of time were available pursuant to 37 CFR 1.136(a).

On 11 March 2002, applicant filed the present renewed petition accompanied by a request for a two-month extension of time and payment of the appropriate extension fee. With the filing of the request for a two-month extension, payment of fee and certification that the papers were deposited for mailing on 26 February 2002, the response is considered to be timely filed.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(I); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant previously satisfied items (1) and (3).

Regarding item (2) above, applicant has presently provided a declaration from an individual with first-hand knowledge that inventor Savard has been presented with a complete set of application papers and a declaration for execution and refused to execute said declaration

absent compensation. As such, applicant has satisfied item (2).

As to Item (4), as applicant has provided sufficient documentation as to the ownership rights of the present application it is now proper to accept the declaration executed on behalf of inventor Savard and on behalf of the corporation, Shimano, Inc.

Regarding Items (5) and (6), as detailed above, applicant has now made a proper showing as to the proprietary rights of Shimano corporation to the present application.

CONCLUSION

Applicant's petition under 37 CFR 1.47(b) is **GRANTED**.

The application has an international filing date of 26 August 1998 under 35 U.S.C. 363, and will be given a date of **25 July 2001** under 35 U.S.C. 371(c).

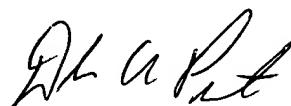
As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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In re Application of :
SAVARD :
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PCT No.: PCT/FR98/01854 :
Int. Filing Date: 26 August 1998 :
Priority Date: 26 August 1998 :
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For: REAR DERAILLEUR FOR A BICYCLE :

Dear Mr. Savard:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 118. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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